

**IN THE CHANCERY COURT FOR JEFFERSON COUNTY, TENNESSEE**

THE DOUGLAS LAKE RESORT )  
OWNER'S ASSOCIATION INC., )

Plaintiff, )

v. )

No: 12-CV-117

DESTINY OF TENNESSEE, LLC f/k/a )  
DESTINY, INC., LAKE CASA )  
LIMITED PARTNERSHIP, ABBACUS )  
[SIC] HOLDINGS, LTD., )

Defendants. )

**DECREE CONFIRMING SHERIFF'S SALE OF  
REAL PROPERTY IN BAR OF ANY RIGHT OF REDEMPTION**

Upon the motion of Third Party Plaintiff and judgment creditor, Abbacas Holdings, Ltd. ("Judgment Creditor") for the entry of an order confirming the Sheriff's Sale of certain real property in bar of any right or equity of redemption (the "**Motion**"), the Court finds that:

1. On August 2, 2017, the Court entered its Order Dissolving Receivership and for Sheriff's Sale of Real Property in Bar of any Right or Equity of Redemption (the "**Sale Order**") in aid of enforcement of the Final Decree on Special Master Report (the "**Judgment**") entered against Lake Casa Limited Partnership (as used herein, the "**Judgment Debtor**") and Allen Hood, authorizing a Sheriff's Sale of the Judgment Debtor's one-half (½) undivided interest in the Property, with the proceeds of the sale to be applied toward the satisfaction of the Judgment in the amount of \$1,627,725. The Sale Order further finds and decrees that the Judgment Debtor's one-half (½) undivided interest in the Property shall be sold by the Sheriff in the manner prescribed by law, in bar of any right or equity of redemption in favor of the Judgment Debtor or the Judgment Debtor's creditors.

2. The Sale Order directed that the Notice of Sheriff's Sale (the "Notice") be published in accordance with Tenn. R. Civ. P. 69.07(4) at least three (3) different times in some newspaper published in Jefferson County, Tennessee, the first publication to be at least thirty (30) days previous to the sale with subsequent publications separated by at least one week, giving the names of the parties interested, describing the land comprising the Property in brief terms and mentioning the time, date and place of sale.

3. Attached as **Exhibit 1** to the Motion is the publisher's affidavit of Dale C. Gentry, the Publisher of the *Standard Banner*, a daily newspaper of general circulation in Jefferson County, Tennessee, attesting to the publication of the Notice in accordance with the Sale Order. The Notice, as published in the *Standard Banner* on August 15, 2017, August 22, 2017, August 29, 2017, set the Sheriff's Sale for September 18, 2017, at 11:00 a.m., Eastern Time, at the front door of the Jefferson County Courthouse fronting 202 W. Main St. in Dandridge, Tennessee.

4. At least 20 days before the Sheriff's Sale, a copy of the published Notice was mailed by certified mail and regular mail to the Judgment Debtor and to all persons having an interest of record in the Property, as evidenced by counsel for Judgement Creditor's correspondence dated August 14, 2017, attached to the Motion as **Exhibit 2**.

5. Attached as **Exhibit 3** to the Motion is the Report of Sheriff's Sale, wherein Jefferson County Deputy Sheriff Jeff Rohan reports that on September 18, 2017, at 11:00 a.m., Eastern Time, at the front door of the Jefferson County Courthouse fronting 202 W. Main St. in Dandridge, Tennessee, he conducted the Sheriff's Sale of the Judgment Debtor's one-half (½) undivided interest in the Property on a credit of six (6) months, in bar of any right of redemption, after the reading aloud of the Notice as published in the *Standard Banner*; that after the reading of the Notice, the Judgment Creditor, which was one of two (2) potential bidders present, entered

a credit bid in the amount of \$100,000.00 as authorized by the Sale Order; and there being no other bids, the Judgment Debtor's Property was sold to the Judgment Creditor for its credit bid of \$100,000.00. There are no exceptions to the Report of Sale filed in the record.

Based upon the foregoing, and for good cause shown, **IT IS HEREBY ORDERED, ADJUDGED, and DECREED** as follows:

1. The Sheriff's Sale is by the Court in all things confirmed.
2. All of the right, title, claim, and interest of the Judgment Debtor, in and to the Property, is hereby divested out of the Judgment Debtor and vested in the Judgment Creditor, Abbacas Holdings, Ltd., as an absolute and indefeasible inheritance in fee simple, forever, in bar of any right or equity of redemption in favor of the Judgment Debtor or the Judgment Debtor's creditors and free of all junior or subordinate liens.
3. The Jefferson County Sheriff is hereby authorized and directed to make and acknowledge for registration, and deliver a Sheriff's Deed to the Judgment Creditor, conveying Judgment Debtor's one-half (1/2) undivided interest in the Property, in bar of any right or equity of redemption, to the Judgment Creditor for and in consideration of its credit bid of \$100,000.00. The Judgment Creditor is also awarded a Writ of Possession, if necessary, to put the Judgment Creditor in possession of the Property.
4. The Clerk & Master may mail a statement for all unpaid court costs to the Judgment Creditor's counsel, whose address appears below.

ENTER this 3 day of Nov., 2017.

STATE OF TENNESSEE  
COUNTY OF JEFFERSON

I, Nancy C. Humbard, Clerk and Master, Chancery Court for said County, certify the foregoing Decree as entered or recorded in my office.

Book No. 166 Page 276-280 Cause No. 12-CV-117

Witness my hand and official seal this 19 day of Nov., 2017.

Nancy C. Humbard Clerk and Master

CHANCELLOR TELFORD E. FORGETY

ENTERED

November 3, 2017

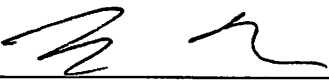
Minute Book

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Nancy C. Humbard  
Clerk & Master

APPROVED FOR ENTRY:

**KENNERLY, MONTGOMERY & FINLEY, P.C.**

By   
\_\_\_\_\_  
E. Richards Brabham, III (BPR 022030)  
Attorney for Judgment Creditor  
550 Main Street  
Fourth Floor, Bank of America Center  
Knoxville, Tennessee 37902  
(865) 546-7311

**CERTIFICATE OF SERVICE**

November I, E. Richards Brabham, III, hereby certify that on the 3rd day of November, 2017, I forwarded a copy of the foregoing **Decree Confirming Sheriff's Sale of Real Property in Bar of any Right of Redemption** to the below listed persons and/or parties at their last known address, by placing a copy in the United States mail, postage prepaid:

J. Michael Winchester, Esq.  
Winchester, Sellers, Foster & Steele, P.C.  
Suite 1000, First Tennessee Plaza  
800 Gay Street  
Knoxville, Tennessee 37929

Gregory Logue  
Woolf, McClane, Bright, Allen, and Carpenter,  
PLLC  
P.O. Box 900  
Knoxville, Tennessee 37901

James H. Ripley, Esq.  
Receiver, and counsel, Gregory Logue  
Sharp & Ripley, PLLC  
248 Bruce Street  
Sevierville, Tennessee 37876

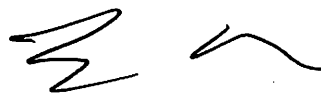
Destiny, Inc. et al,  
Allen Hood and  
Lake Casa Limited Partnership  
c/o Barry Eubanks, Esq.  
209 Chilhowee School Road, Suite 16  
Seymour, Tennessee 37865

Destiny, Inc. et al,  
Allen Hood and  
Lake Casa Limited Partnership  
431 Thomas Loop Rd,  
Sevierville, TN 37876

Douglas E. Taylor  
P.O. Box 187  
Seymour, Tennessee 37865

This 3rd day of November, 2017.

**KENNERLY, MONTGOMERY & FINLEY, P.C.**

By:   
\_\_\_\_\_  
E. Richards Brabham, III

**EXHIBIT A**

**DESCRIPTION OF REAL PROPERTY SOLD AT SHERIFF'S SALE**

**Judgment Debtor's one-half (½) undivided interest in and to the following real property:**

SITUATED in the Eighth (8<sup>th</sup>) Civil District of Jefferson County, Tennessee, and being all of Lot 122 (previously known as Lot 5), of the Douglas Lake Resort – Planned Unit Development, according to the plat thereof of record in Cabinet H, Slide 111, as shown on the Final Plat of the Resubdivision of Douglas Lake Resort, recorded in Plat Cabinet M, Slides 339 through 346, in the Register's Office for Jefferson County, Tennessee, as confirmed by Final Decree Quieting Title and Reforming The Douglas Lake Resort recorded on June 30, 2011, in Book 1086, page 157, as amended in Book 1095, page 282, in the Register's Office for Jefferson County, Tennessee, to which instrument specific reference is hereby made for a more particular description.

BEING the same property conveyed to Lake Casa Limited Partnership, a South Dakota Limited Partnership, by Quitclaim Deed from Destiny of Tennessee, LLC, dated March 4, 2009, recorded in Book 982, page 434, in the Register's Office for Jefferson County, Tennessee; and

BEING the same property divesting a one-half undivided interest to Abbacas Holdings, Ltd. and Arthur Rooney, pursuant to Order Divesting Property Interest entered in the Chancery Court for Jefferson County, at Dandridge, Tennessee, Case Number 12-CV-117, and recorded in Book 1255, page 736, in the Register's Office for Jefferson County, Tennessee.

**Tax Parcel I.D.: CLT No. 094JB-021.00**

**Property Address: 1015 Willard Way, Sevierville, Tennessee 37876**  
(However, the legal description shall control in the event of any inconsistencies between the legal description and address or tax parcel identification number.)